

U.S. Serial No. 09/747,950

Response to the Office Action of October 12, 2005

**REMARKS**

The applicant has carefully considered the official action dated October 12, 2005, and the references it cites. Claims 1-11 are pending and at issue, of these, claims 1, 5, and 9 are independent. In view of the following remarks, the applicant respectfully submits that pending claims 1-11 are in condition for allowance. The applicant respectfully requests reconsideration of this application.

**The Rejections under 35 U.S.C. § 103**

Claims 1, 2, 4-6, and 8-11 were rejected under 35 U.S.C. § 103(a) as unpatentable over DeBruin-Ashton, and claims 3 and 7 were rejected under 35 U.S.C. § 103(a) as unpatentable over DeBruin-Ashton in view of Manley, et al. The applicants respectfully traverse these rejections.

The applicants note that DeBruin-Ashton, U.S. Patent 6,014,629, is assigned to Moore U.S.A., Inc., while the instant application is assigned to Moore North America, Inc. By virtue of a name change, as evidenced by a copy of a Certificate of Amendment from the state of Delaware attached hereto as Appendix A, effective September 17, 1998, "Moore U.S.A., Inc." changed its name to "Moore North America, Inc.". Accordingly, at the time the invention of the instant application was made, both DeBruin-Ashton, and the invention claimed in this application were assigned to, or under an obligation to be assigned to the same corporate entity. Further, the DeBruin-Ashton Patent is only available as prior art against the instant application under 35 USC § 102(c). Therefore, under 35 USC § 103(c), DeBruin-Ashton cannot be used to reject the claims of the instant invention for obviousness. Accordingly, as a matter of law, the rejections of claims 1-11 are improper and must be withdrawn.

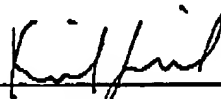
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### Conclusion

The applicant respectfully requests reconsideration of the application and allowance thereof. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,



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Attorney for Applicant  
Hanley, Flight & Zimmerman, LLC  
(at customer number 34431)  
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DATE: 1/10/06

## **APPENDIX A**

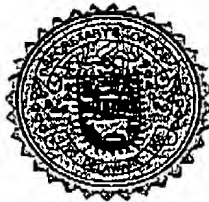
# Delaware

**COPY**

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "MOORE U.S.A. INC.", CHANGING ITS NAME FROM "MOORE U.S.A. INC." TO "MOORE NORTH AMERICA, INC.", FILED IN THIS OFFICE ON THE SEVENTEENTH DAY OF SEPTEMBER, A.D. 1998, AT 3 O'CLOCK P.M.



0338210 8100

040200406

*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 3013545

DATE: 03-25-04

CERTIFICATE OF AMENDMENT  
OF THE  
CERTIFICATE OF INCORPORATION  
OF  
MOORE U.S.A. INC.

**COPY**

THE UNDERSIGNED, being the Vice President and Treasurer and Vice President and Secretary of Moore U.S.A. Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware (hereinafter referred to as the "Corporation"), which was incorporated under the name "American Sales Book Company, Inc." by the original Certificate of Incorporation filed with the Secretary of State December 21, 1934, and which filed a Certificate of Amendment with the Secretary of State on November 28, 1944 changing its name to Moore Business Forms, Inc., and which filed a Restated Certificate of Incorporation under the name Moore Business Forms, Inc. with the Secretary of State on December 24, 1974, and filed a Certificate of Amendment with the Secretary of State on November 8, 1996 changing its name to Moore U.S.A. Inc., do hereby certify as follows:

FIRST: That, at a meeting of the Board of Directors of the Corporation, resolutions were duly adopted setting forth a proposed amendment to the Certificate of Incorporation of the Corporation, declaring said amendment to be advisable and proposing that the amendment be adopted and approved at a special meeting of shareholders of the Corporation. The resolution setting forth the proposed amendment is as follows:

"RESOLVED that the name of the Corporation be changed to Moore North America, Inc.; and further

"RESOLVED that in order to effectuate such change, Article FIRST of the Amended Certificate of Incorporation of Moore U.S.A. Inc. is hereby amended to read as follows: "The name of the corporation is Moore North America, Inc."; and further

"RESOLVED that the Directors deem the change of the Corporation's name and the amendment of its Certificate of Incorporation to be advisable and in the best interest of the Corporation; and further

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"RESOLVED that a Special Meeting of Shareholders of the Corporation be convened to consider the proposed Amendment of the Certificate of Incorporation; and further  
"RESOLVED that any officer of the Corporation be, and the same hereby is authorized and directed to execute, on behalf of the Corporation, a Certificate of Amendment to the Certificate of Incorporation of the Corporation, setting forth the aforementioned amendment, and such other documents and instruments as may be necessary or appropriate in order to effectuate the transactions described in these resolutions".

SECOND: That thereafter, pursuant to action by the unanimous written consent of the sole shareholder of the Corporation, the amendment was approved by the shareholders.

THIRD: That said amendment was duly adopted in accordance with the provisions of Sections 228 and 242 of the General Corporation Law of the State of Delaware.

THIRD: That said amendment was duly filed with the Secretary of State of Delaware under Sections 228 and 242 of the General Corporation Law of the State of Delaware.

FOURTH: That the capital of the Corporation shall not be reduced under or by reason of said amendment.

\_\_\_\_\_ have executed this Certificate as of the 15th day of September, 1998.

FOURTH: That the capital of the Company is \$1,000,000.00, as amended.

IN WITNESS WHEREOF, we have executed this Certificate as of the 15th day of September, 1998.

J. Khedapal

**Shoba Khetrapal**  
Vice President and Treasurer

Am Wilson

John M. Wilson  
Vice President and Secretary